

**Redacted Version of
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EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RAVGEN, INC.

Plaintiff,

v.

NATERA, INC. and NSTX, INC.,

Defendants.

Civil Action No.: 1:20-cv-00692-ADA

JURY TRIAL DEMANDED

RESPONSIVE EXPERT REPORT OF MARK I. EVANS, M.D.

[REDACTED]

Dr. Van Ness's conclusion that those patents are less valuable than Ravgen's asserted patents for a number of reasons.

33. First, as noted above, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In contrast, Ravgen has not commercialized NIPT, even after 15 years after filing its asserted patents, and only recently has licensed those patents to anyone.³⁵ The licensing data would indicate that Sequenom's patents have had more value in commercializing NIPT as compared to Ravgen's asserted patents. Sequenom has also licensed technology from Dr. Lo, and so that commercialization indicates the value of the '540 Patent as compared to Ravgen's asserted patents as well. In the deposition of John Varney, he stated that [REDACTED]

[REDACTED]³⁶ This averages out to [REDACTED] per year. By comparison to most commercial genetics labs, this is very small. It also raises the question as to why Ravgen has not been able to develop an NIPT business more widely. If its patents were more valuable than Sequenom's, one would have expected Ravgen to be able to develop a large NIPT business based on that technology.

34. Dr. Van Ness characterizes many of these patents as having limited scope. However, in fact, many of them were directed and enabled many improvements in NIPT that are at least as important, if not more important, than the subject matter of the asserted Ravgen

³⁴ NATERA-027101 – 027211.

³⁵ E.g., RAVGEN-00050167-180 [REDACTED] RAVGEN-00050181-199 [REDACTED] RAVGEN-00050494-505 (PGDx); RAVGEN-00035132-35143 [REDACTED]

³⁶ Varney Depo. at 68:13-23.

[REDACTED]

case or in my experience that clinicians' adoption and use of Natera's and/or other companies' NIPT products is due to any technology in the asserted patents.

VII. RESERVATION OF RIGHTS

64. My opinions are based upon the information that I have considered to date. I reserve the right, however, to supplement my opinions in the future to respond to any arguments raised by Ravgen or its experts and to take into account new information that becomes available to me.

Dated: September 3, 2021

By: 

Mark I. Evans, M.D.

Exhibit 2 to Opening Expert Report of Mark I. Evans, M.D.: Materials Considered

All documents and other evidence cited to in my Report, including and additionally:

1. U.S. Patent No. 7,332,277
2. U.S. Patent No. 7,727,720
3. File history of U.S. Patent No. 7,332,277
4. File history of U.S. Patent No. 7,727,720
5. Deposition transcript of Ravinder Dhallan (July 20-22, 2021)
6. RAVGEN-NATERA-00008827
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59. <https://www.integratedgenetics.com/patients/pregnancy/maternit21plus>
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61. Lo YM. Non-invasive prenatal diagnosis by massively parallel sequencing of maternal plasma DNA. Open Biol. 2012;2(6):120086. doi:10.1098/rsob.120086.
62. NATERA-027101 – 027211.
63. RAVGEN-00050167-180 [REDACTED]
64. RAVGEN-00050181-199 [REDACTED]
65. RAVGEN-00050494-505 [REDACTED]
66. RAVGEN-00035132-35143 [REDACTED]
67. RAVGEN-00050147-166.
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